

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MADISON HARDING,
1336 Shadow Creek Lane, Warrington, PA 18976

(b) County of Residence of First Listed Plaintiff Bucks County, Pennsylvania
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Claims Worldwide, LLC
435 North Main Street
Doylestown, PA 18901
tel: 215-230-0800

DEFENDANTS

UNITED STATES FIELD HOCKEY ASSOCIATION, INC.
1 Olympic Plaza, Colorado Springs, Colorado 80909

County of Residence of First Listed Defendant El Paso County, Colorado
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | |
|---|--|---|--|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 08/06/2013 SIGNATURE OF ATTORNEY OF RECORD  Joseph T. Thiroway, Esq.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MADISON HARDING
1336 Shadow Creek Lane
Warrington, PA 18976

v.

UNITED STATES FIELD HOCKEY
ASSOCIATION, INC.
1 Olympic Plaza
Colorado Springs, Colorado 80909

CIVIL ACTION

NO.:

JURY DEMANDED

**CIVIL ACTION
COMPLAINT**

I. PARTIES

1. Plaintiff, Madison Harding, is an adult individual residing at 1336 Shadow Creek Lane, in the City of Warrington, County of Bucks, Commonwealth of Pennsylvania.
2. Defendant, United States Field Hockey Association, Inc.(hereinafter referred to as "USFHA"), is a Non-Profit Corporation, incorporated in the state of Colorado, with a principal and registered office at 1 Olympic Plaza, Colorado Springs, Colorado 80909.
3. At all times material hereto, USFHA did business in multiple states throughout the country including Pennsylvania, and more specifically within the counties composing the Eastern District of Pennsylvania by issuing and collecting money for individual athlete memberships. Further, USFHA and/or its club members hosted and sponsored Qualifying Tournaments, College Showcase Tournaments, and Championship Tournaments throughout the Eastern District of Pennsylvania.

II. JURISDICTION

4. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. §1332 as the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and the parties are citizens of different States.

III. CAUSES OF ACTION, DAMAGES AND RELIEF REQUESTED

COUNT I – NEGLIGENCE

5. Plaintiff incorporates by reference, the foregoing paragraphs as fully as though they were herein set forth at length.

6. On March 5-7, 2010, USFHA organized, managed, hosted, sponsored and operated the 2010 National Indoor Tournament at the Virginia Beach Convention Center, 1000 19th Street, Virginia Beach, Virginia. At all times material hereto, Defendant was acting either individually or through its duly authorized agents, servants, workmen or employees who were acting within the course and scope of their employment and on the business of said employer.

7. Plaintiff participated in this National Indoor Tournament that was solely organized, managed, hosted, sponsored and operated by Defendant.

8. At the time of Plaintiff's participation in this National Indoor Tournament, Plaintiff was a 16 year old minor. Her date of birth is August 9, 1993. Plaintiff had an individual athlete membership with USFHA, and she played in this tournament with her club team Mystx Field Hockey Club, which was a club member of USFHA.

9. On or about March 5, 2010, after several injuries to players and umpires occurred due to unsafe and dangerous playing conditions, USFHA was put on Notice by

team coaches, club directors, and umpires of the dangerous and unsafe conditions on all of the sport courts. Despite USFHA holding a meeting to hear the complaints of various individuals, groups and team, USFHA neglected and/or failed to take any action to ensure the safety of its players and umpires for the remainder of the tournament.

10. The dangerous and unsafe conditions of the court floors consisted primarily of the defective interlocking tile flooring laid down on Friday, March 5, 2010, on each of the courts. Many of these interlocking tiles were loose, not locked in, broken/chipped/cracked, which resulted in areas of tile being raised, which did not provide a smooth playing surface required for indoor field hockey. Furthermore, the side boards used were in poor condition as they were twisted and not fully secured, which created unsafe, dangerous, and hazardous playing conditions.

11. As a result of these unsafe, dangerous and defective playing conditions, several players and umpires were injured on March 5, 2010, the first day of competitive play.

12. On Saturday, March 6, 2010, on Court 2, during the scheduled 4:30 p.m. game against Spirit Eagles Central, Plaintiff sustained serious injuries solely as a result of the unsafe, dangerous, and defective condition of the courts.

13. Plaintiff was severely injured when she was receiving a ball passed to her by a teammate. While Plaintiff was receiving the ball, the ball suddenly and without warning struck an elevated tile edge, causing the ball to shoot upward at a high rate of speed and struck Plaintiff directly in the forehead, which resulted in a severe facial injury. At no time was the ball touched by any player on the court.

14. The injury resulted solely from the negligence, carelessness, and

recklessness of Defendant USFHA, by its agents, servants, workmen and/or employees acting in the course and scope of their employment for same and was due in no manner whatsoever to any act or failure to act on the part of the Plaintiff.

15. Defendant USFHA organized, operated, hosted, supervised and managed this event and controlled the complete operation of the event. USFHA was negligent and failed to provide a safe playing surface, failed to correct the defective playing surface after it had "actual notice" of the unsafe, dangerous, and hazardous conditions that existed. The negligence of USFHA was the direct cause of Madison Harding's severe facial injuries.

16. At all times relevant hereto, Defendant had a duty to properly inspect, maintain and repair all areas of the property, so as to prevent injury to individuals participating in the tournament, specifically on the playing courts.

17. At all times relevant hereto, Defendant knew or should have known that its failure to reasonably satisfy its duty to properly maintain the sport courts, including the side boards, created an increased and unreasonable risk of personal injury to participants such as Plaintiff.

18. Defendant did not take reasonable steps to properly hire, train, supervise and/or instruct its agents, servants, workers and/or employees as to the proper installation and maintenance of the playing courts and side boards.

19. Defendant knew or should have known that the property would present an unreasonable risk of danger to tournament participants if the courts and side boards were not properly installed and maintained in a reasonable and safe manner.

20. Defendant had a duty to keep the playing courts properly maintained and free from unsafe, dangerous, hazardous, and defective conditions when it knew or should

have known that there was an unreasonable risk of injury to its participants. If it is determined that Defendant did not have actual prior notice of the dangerous condition of the dangerous and unsafe conditions, then Defendant had constructive notice and should have reasonably known of the danger based upon the following facts:

- a. The unsafe, dangerous, hazardous, and defective conditions of the court floors consisted primarily of the defective interlocking tile flooring laid down on Friday, March 5th on each of the courts. These interlocking tiles were loose, not locked in, broken/chipped/cracked, which resulted in areas of tile being raised, which did not provide a smooth playing surface required of indoor field hockey. These unsafe, dangerous, hazardous, and defective conditions were present prior to, and at the same time of Plaintiff's injury; and
- b. There was an ongoing problem throughout the day on Friday and Saturday with the unsafe, dangerous, hazardous, and defective conditions on all of the sport courts. USFHA was made aware of the unsafe, dangerous, hazardous, and defective conditions of the courts on Friday evening by coaches, club directors, and umpires. This situation was reasonably evidenced and/or would have been realized by a visual inspection of the area.

21. Defendant owed a duty to Plaintiff to inspect and make safe dangerous conditions that a reasonable inspection of the property would reveal. In the alternative, Defendant had a duty to warn of known unsafe and dangerous conditions then and there existing.

22. All of the acts as will be hereinafter alleged, to have been done or not to have been done by the Defendant, were done or not done by the Defendant, its agents,

servants, workmen and/or employees, acting within the scope and course of their employments, agency and authority for and on behalf of the said Defendant. The negligence and carelessness of the Defendant consisted of the following:

- a. Neglecting and/or failing to maintain and provide proper and safe playing courts at the Virginia Beach Convention Center;
- b. Maintaining a dangerous and/or defective condition on the property;
- c. Failing to warn the Plaintiff of the dangerous condition to which the Defendant knew or should have known existed;
- d. Failing to warn the Plaintiff of the dangerous and unsafe playing conditions of the courts;
- e. Failing to inspect the property for defects or dangerous conditions which remained an unreasonable risk of injury to those lawfully upon it;
- f. Failing to remedy or repair said dangerous and unsafe conditions, obstructions, irregularity or defects;
- g. Failing to properly hire, train, supervise and/or instruct its agents, servants, workers' and/or employees;
- h. Permitting or allowing the unsafe playing surface to exist without repair or replacement after the Defendant knew or should have had constructive notice of said condition;
- i. Failing to give Plaintiff proper and due notice of the defective condition existing on the aforesaid premises;
- j. Failing to give Plaintiff proper and adequate protection which Plaintiff was entitled;

- k. Failing to take action to correct the aforesaid hazardous condition, despite actual and/or constructive notice of the presence of said condition and the hazard posed thereby;
 - l. Failing to warn Plaintiff of the presence of the aforesaid hazardous condition and the danger posed to her thereby; and
 - m. Failing to hire competent, trained individuals to properly install, maintain and repair the playing courts on the property.
23. Defendant by its actions or failure to act substantially contributed to Plaintiff's injury and the damages sustained by her, as more fully set forth herein, and are therefore jointly and/or severally liable to Plaintiff.

24. Solely as a result of the aforesaid negligence and as a direct result of the failure to provide a safe playing environment, Plaintiff was caused to suffer various serious injuries, including, but not limited to, a concussion, a severe facial laceration and was required to undergo two surgeries by plastic surgeons due to the severity and extensive damage. The first surgery performed by a plastic surgeon in Virginia was to initially close the open wound, which required 21 stitches to her forehead. The second surgery, which was performed months later, was to smooth out and flatten the jagged edges of the scar and to flatten the scar itself which had been significantly raised and disfiguring as a result of the extensive damage initially caused by this incident. The severity of the laceration has resulted in severe scarring and disfigurement which is permanent in nature.

25. Further, Plaintiff incurred a severe shock to her nerves and nervous system, great physical pain, mental anguish and humiliation, all of which may continue for an indefinite time in the future.

26. Further, Plaintiff has been compelled to expend various sums of money in attempting to alleviate and cure the aforesaid injuries, and was prevented from attending to her usual duties and avocations. Plaintiff has a Healthcare Recoveries lien in the amount of \$6,252.64. This lien has been protected and must be paid upon the resolution of this case.


27. Further, Plaintiff has or may suffer loss of her earnings and impairment of her earning capacity and power.

28. As a direct result of this incident, Plaintiff has or may hereinafter incur other financial expenses or losses that do or may exceed an amount that she may otherwise be entitled to recover.

29. Plaintiff has suffered loss of enjoyment of life's pleasures.

WHEREFORE, Plaintiff, Madison Harding, demands damages of the Defendant, United States Field Hockey Association, Inc., its agents, servants, workmen and/or employees herein individually, collectively, jointly and severally, for a sum in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), plus costs, delay, damages and interest.

CLAIMS WORLDWIDE, LLC

BY: 
JOSEPH T. THIROWAY, ESQUIRE
Identification No.: 61137
435 N. Main Street
Doylestown, PA 18901
215-230-0800
Attorney for Plaintiff

Date: August 6, 2013

VERIFICATION

The averments or denials of fact contained in the foregoing document are true and correct based upon the signer's knowledge or information and belief. If the foregoing contains averments which are inconsistent in fact, signer has been unable, after reasonable investigation, to ascertain which of the inconsistent averments are true, but signer has knowledge or information sufficient to form a belief that one of them is true. This Verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

x Madison Harding
Madison Harding

Date: August 5, 2013